

**Exchange of documents and witness lists.**

~~(A) Any representative of record party may serve upon the opposing other party's representative of record a written request for a list of both the witnesses and the documents intended to be introduced at hearing. Except in the case of summary suspensions, within twelve days of service of that request the opposing representative shall supply such a list to the requesting representative. In cases of summary suspensions the exchange of lists of both witnesses and documents intended to be introduced at hearing shall be completed forthwith, but in no event less than three days prior to hearing.~~

(1) Except in the case of summary suspension, the requested list of witnesses and documents shall be provided within twelve days of service of the request .

(2) In the case of summary suspension, the requested list of witnesses and documents shall be provided within a reasonable time, but in no event less than three days prior to commencement of the hearing.

~~(B) Any party may serve upon the other party's representative of record a written request for copies of the documents intended to be introduced at hearing.~~

(1) Except in the case of summary suspension, the requested copies of documents shall be provided no later than fourteen days prior to commencement of the hearing.

(2) In the case of summary suspension, the requested copies of documents shall be provided no less than three days prior to commencement of the hearing.

~~(B)(C) Upon motion of any party, Failure failure without good cause to comply with paragraph paragraphs (A) or B of this rule may result in exclusion from the hearing of such testimony or documents, upon motion of the representative to whom disclosure is refused.~~

(D) Upon written motion of a party or upon the hearing examiner's initiative, the hearing examiner shall issue an order setting forth a schedule by which the parties shall exchange hearing exhibits, identify lay and expert witnesses and exchange written reports from expert witnesses.

(1) Absent extraordinary circumstances, the failure of a party to produce an exhibit under the terms of the hearing examiner's order shall result in the exclusion of that exhibit from evidence at hearing.

(2) Absent extraordinary circumstances, the failure of a party to identify a lay or expert witness under the terms of the hearing examiner's order shall result in the exclusion of that witness' testimony at hearing.

(3) Absent extraordinary circumstances, the failure of a party to produce a written

report from an expert witness under the terms of the hearing examiner's order shall result in the exclusion of the witness' expert testimony at hearing.

(E) A party shall notify the hearing examiner of any deficiency in the materials provided by the other party within a reasonable period of time after discovery of the deficiency.

(F) A party shall notify the hearing examiner of any failure by the other party to comply with a deadline imposed pursuant to this rule within seven days of the failure to comply.

(G) Any witness who intends to testify as an expert, including the respondent, must submit a written report. A written report by an expert shall set forth the opinions to which the expert witness will testify and the bases for such opinions. This paragraph will not preclude the respondent from testifying as a fact witness.

(H) Any exhibit exchanged by the parties which is a patient record or which contains information that is required to be kept confidential pursuant to any state or federal law may be provided only to agents of the parties for purposes of the administrative hearing and shall not be disseminated to any other person or entity.

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Certification

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Date

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